

87

|                               |                        |                     |  |
|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/008,397             | DING ET AL.         |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Mark W Bockelman       | 3762                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 1-10-2005.
2. ☒ The allowed claim(s) is/are 1-4,6-22,24-36 and 38-46.
3. ☒ The drawings filed on 06 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3-18-2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|   | 9. <input type="checkbox"/> Other _____   |

  
MARK W BOCKELMAN  
Examiner

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Gorman on 3-18-2005.

The application has been amended as follows:

Claims 5, 23, 37 are canceled

In claims 20, 22, 26-32, 36, 40-46, at line 1, the status has been changed as follows;

“(Withdrawn)” has been deleted

--(Original)-- has been inserted

In claim 19:

at line 1, the status of the claims is changed as follows;

“(Withdrawn)” has been deleted

--(Currently amended)-- has been inserted

at line 3 after “electrode”;

-- adapted to be-- has been inserted

at line 10, after “threshold”,

Art Unit: 3762

--, wherein the detection module and processing module are contained in a heart stimulation device that is electrically connected to the electrode, and wherein when the interval is greater than the threshold, the heart stimulation device sets a paced atrio-ventricular delay to less than an intrinsic atrio-ventricular delay of the patient-- has been inserted.

In claim 21;

at line 1, the status of the claim has been changed as follows;

“(Withdrawn)” has been deleted

--(Currently amended)-- has been inserted

at line 1 , after “electrode is”;

“positioned” has been deleted

--positionable-- has been inserted

In claims 24 and 25;

at line 1 in each of the claims, the status of each of the claims has been changed as follows;

“(Withdrawn)” has been deleted

--(Currently amended)-- has been inserted

at line 1 in each of the claims, after “claim”;

“23” has been deleted

--19-- has been inserted

In claim 33:

at line 1, the status is changed as follows;

“(Withdrawn)” has been deleted

--(Currently amended)-- has been inserted

at line 7, after “threshold”,

--, wherein the means for detecting and means for computing and comparing are contained in a heart stimulation device that is electrically connected to an electrode, and wherein when the interval is greater than the threshold, the heart stimulation device sets a paced atrio-ventricular delay to less than an intrinsic atrio-ventricular delay of the patient-- has been inserted.

In claim 34;

at line 1, the status of the claim has been changed as follows;

“(Withdrawn)” has been deleted

--(Currently amended)-- has been inserted

at line 3, after “electrode”;

“positioned” has been deleted

--positionable-- has been inserted

In claim 35;

Art Unit: 3762

at line 1, the status of the claim has been changed as follows;

“(Withdrawn)” has been deleted

--(currently amended)-- has been inserted

at line 1, before “postioned”;

--adapted to be-- has been inserted

In claims 38 and 39;

at line 1 in each of the claims, the status has been changed as follows;

“(Withdrawn)” has been deleted

--(currently amended)-- has been inserted

at line 1 in each of the claims, after “claim”;

“37” has been deleted

--33-- has been inserted

The following is an examiner’s statement of reasons for allowance: The prior art of record does not teach the method and apparatus of adjusting an atrio-ventricular delay based upon comparing a sensed intrinsic ventricular depolariation interval with a threshold value. Claims 19 and 33 were rejoined with comparable limitations to avoid unnecessary filing of divisional applications with similar limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272 -4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWB

March 18, 2005



MARK BOCKELMAN